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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/577,796      | 12/19/2006  | Rolf Fadini          | 095309.57643US      | 6078             |

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| EXAMINER |
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DUNWOODY, AARON M

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| ART UNIT | PAPER NUMBER |
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3679

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05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/577,796 | <b>Applicant(s)</b><br>FADINI ET AL. |  |
|                              | <b>Examiner</b><br>Aaron M. Dunwoody | <b>Art Unit</b><br>3679              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 15, 27 and 28, the phrase "funnel-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "funnel-like"), thereby rendering the scope of the claim(s) unascertainable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12, 15-19, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2635900, Mayo et al.

In regards to claim 9, Mayo et al disclose a pipe joint for an exhaust-gas system of an internal combustion engine, comprising:

a first pipe part (10),

a second pipe part (11),

a fastener (16), and

a sealing element (213) which has a sleeve and a sealing ring, wherein the sleeve has a plurality of spaced-apart widened circumferential regions at a first end and can be pushed into the first pipe part such that the widened circumferential regions engage behind a circumferential constriction of the first pipe part in a resilient manner.

In regards to claim 10, Mayo et al disclose the widened circumferential regions are designed to project in the manner of teeth.

In regards to claim 11, Mayo et al disclose the sleeve has a conically tapered portion at a second end.

In regards to claim 12, Mayo et al disclose the sealing ring encloses the sleeve in an annular manner and is connected to the sleeve in a form-fitting manner.

In regards to claim 15, Mayo et al disclose each of the first and second pipe parts has a funnel-like widened portion at its connecting end.

In regards to claim 16, Mayo et al disclose the fastener is designed as a clamp which is open at at least one location and which has cross- sectionally oblique flanks and a radially projecting closure part.

In regards to claim 17, Mayo et al disclose wherein the sleeve has a conically tapered portion at a second end.

In regards to claim 18, Mayo et al disclose the sealing ring encloses the sleeve in an annular manner and is connected to the sleeve in a form-fitting manner.

In regards to claim 19, Mayo et al disclose the sealing ring encloses the sleeve in an annular manner and is connected to the sleeve in a form-fitting manner.

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In regards to claim 27, Mayo et al disclose each of the first and second pipe parts has a funnel-like widened portion at its connecting end.

In regards to claim 28, Mayo et al disclose each of the first and second pipe parts has a funnel-like widened portion at its connecting end.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 20-22 and rejected under 35 U.S.C. 103(a) as being unpatentable over Mayo et al in view of US patent 3724878, Ford.

In regards to claims 13 and 20-22, Mayo et al disclose the claimed invention except for the sealing ring designed in a cross-sectionally frustoconical manner. Ford teaches a sealing ring (20) designed in a cross-sectionally frustoconical manner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the sealing ring with a cross-sectionally frustoconical manner, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

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Claims 14 and 23-26 and rejected under 35 U.S.C. 103(a) as being unpatentable over Mayo et al in view of US patent 4659091, Baasner et al.

In regards to claims 14 and 23-26, Mayo et al disclose the claimed invention except for the sealing ring being made of a graphite-filled knitted wire fabric. Baasner et al teach a sealing ring (7) being made of a graphite-filled knitted wire fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the sealing ring from a graphite-filled knitted wire fabric, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

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